



PATENT
514413-3877

AG/ 16/6
QW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Krause et al
U.S. Serial No. : 09/853,313
Filing Date : May 10, 2001
For : **COMBINATIONS OF CROP PROTECTION AGENTS
WITH ORGANIC OR INORGANIC CARRIER
MATERIALS**
Group Art Unit : 1616
Confirmation No. : 5939

745 Fifth Avenue
New York, NY 10151

FIRST CLASS MAIL

I hereby certify that this correspondence is being
deposited with the United States Postal Service
as first class mail in an envelope addressed to:

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

William F. Lawrence, Reg. No. 28,029

Name of Applicant, Assignee or Registered Representative

Signature

August 17, 2004
Date of Signature

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed are copies of publications, the subject matters of which are mentioned in
the enclosed Office Action in the corresponding Chinese Patent Application No. 01810617.X:

1. EP 0619073A2 published October 12, 1994 (already cited in an Information

Disclosure Statement filed on November 1, 2001, therefore, not enclosed);

2. CN 1063794A published August 26, 1992; (equivalent of US 5,602,177, February 11, 1997, Heinrich et al);
3. US 5,223,477, June 29, 1993, Scher et al.;
4. WO 00/10392A1 published March 2, 2000 (already cited in an Information Disclosure Statement filed on November 10, 2001, therefore, not enclosed);
5. EP 0084253A1 published July 27, 1983 (already cited in an Information Disclosure Statement filed on November 10, 2001, therefore, not enclosed);
6. WO 96/26719A1 published September 6, 1996 (already cited in an Information Disclosure Statement filed on November 10, 2001, therefore, not enclosed);
7. US 4230809A published October 28, 1980 (already cited in an Information Disclosure Statement filed on November 10, 2001, therefore, not enclosed);

We have enclosed a copy of PTO-1449 in duplicate which is considered part of the Information Disclosure Statement.

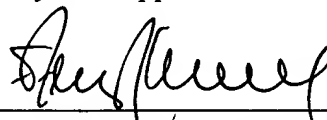
Applicant respectfully requests that the Examiner consider and make of record the documents cited herein and that a copy of Form PTO-1449 be initialed by the Examiner and returned to the undersigned.

If there is a fee associated with this procedure, please charge it to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By



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Based on Form PTO-1449
(3/90)

ATTY. DOCKET NO.

514413-3877

SERIAL NO.

09/853,313

LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

APPLICANT

Krause et al

FILING DATE

May 10, 2001

GROUP

1616

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
AA	US 5,602,177 (equivalent of CN 1063794 A listed below)	2/11/1997	Heinrich et al			
AB	US 5,223,477	6/29/1993	Scher et al			
AC	US 4230809A	10/28/1980				
AD						
AE						
AF						

FOREIGN PATENT DOCUMENTS

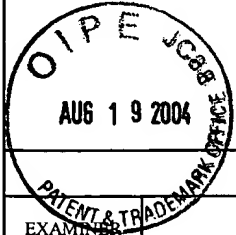
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
AG		EP 0619073A2 (not enclosed, already cited)	10/12/1994	Europe				
AH		CN 1063794A (equivalent of US 5,602,177 listed above)	8/26/1992	China				
AI		WO 00/10392A1(not enclosed, already cited)	3/2/2000	PCT				
AJ		EP 0084253A1(not enclosed, already cited)	7/27/1983	Europe				
AK		WO 96/26719A1(not enclosed, already cited)	9/6/1996	PCT				
AL								
AM								
AN								

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AR		
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EXAMINER

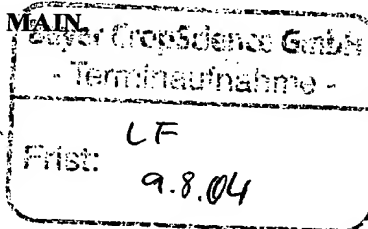
DATE CONSIDERED



CCPIT PATENT AND TRADEMARK LAW OFFICE

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May 13, 2004

FAX No.: 0049693052200

Y/R: AGR 2000/M 211 CN PCT

O/R: IIC022426

Re: Chinese Application for Invention No. 01810617.X
in the name of BAYER CROPSCIENCE GMBH

Title: COMBINATIONS OF PLANT PROTECTION AGENTS WITH
ORGANIC OR INORGANIC MATRIX MATERIALS

CONFIRMATION

Dear Sirs:

This is to report to you that we have received the [] first Office Action issued by the Chinese Patent Office on April 9, 2004 in connection with the above-identified patent application. Enclosed please find a copy of the Office Action and the English translation thereof.

As the issue of the Action is self-explanatory, our further comments seem unnecessary.

Please be advised that D1 claim the priorities of P4103467.8 and 4127757.0 of Germany.

Please note that a response to the Office Action is due on August 9, 2004. Your instructions two weeks before the due date would be highly appreciated.

For your information, the applicant may request an extension of up to two months upon payment of extension fees. No further extension of time is permitted.

If you have any questions connected to this matter, please feel free to let us know.

Sincerely yours,

Tang Xiaofeng

Tang Xiaofeng
Patent Attorney

Bayer CropScience GmbH	
Patent- u. Lizenzabteilung K 607	
Vorg.	
Eing.	25. Mai 2004
<input type="checkbox"/> WV	
<input checked="" type="checkbox"/> ablegen	
<input checked="" type="checkbox"/> Vert. wie Vorg. / angegeben.	✓

CCPIT Patent and Trademark Law Office

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or the filing date of conflicting application)
1	EP0619073A2 ✓ <i>already filed</i>	Date: <u>12</u> Month: <u>10</u> Year: <u>1994</u>
2	CN1063794A	Date: <u>26</u> Month: <u>8</u> Year: <u>1992</u> ✓
3	US5223477A	Date: <u>29</u> Month: <u>6</u> Year: <u>1993</u> ✓
4	WO0010392A1 ✓ <i>already filed</i>	Date: <u>2</u> Month: <u>3</u> Year: <u>2000</u>
5	EP0084253A1 ✓ <i>already filed</i>	Date: <u>27</u> Month: <u>7</u> Year: <u>1983</u>
6	WO9626719A1 ✓ <i>already filed</i>	Date: <u>6</u> Month: <u>9</u> Year: <u>1996</u>
7	US4230809A ✓ <i>already filed</i>	Date: <u>28</u> Month: <u>10</u> Year: <u>1980</u>

6. Conclusions of the Action:

☐ On the Specification:

- ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
- ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
- ☐ The draft of the description does not comply with Rule 18 of the Implementing Regulations.

☒ On the Claims:

- ☐ Claim(s) _____ is/are not patentable under Article 25 of the Patent Law.
- ☐ Claim(s) _____ does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
- ☒ Claim(s) 1-11 does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
- ☐ Claim(s) _____ does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
- ☐ Claim(s) _____ does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
- ☐ Claim(s) _____ does/do not comply with Article 26 paragraph 4 of the Patent Law.
- ☐ Claim(s) _____ does/do not comply with Article 31 paragraph 1 of the Patent Law.
- ☐ Claim(s) _____ does/do not comply with the provisions of Rules 20-23 of the Implementing Regulations.
- ☐ Claim(s) _____ does/do not comply with Article 9 of the Patent Law.
- ☐ Claim(s) _____ does/do not comply with the provisions of Rule 12 paragraph 1 of the Implementing Regulations.

The explanations to the above conclusions are set forth in the text portion of this Notification.

7. In view of the conclusions set forth above, the Examiner is of the opinion that:

- ☐ The applicant should make amendments as directed in the text portion of the Notification.
- ☐ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.
- ☒ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.
- ☐ _____

8. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 4 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
- (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
- (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
- (4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

9. This Notification contains a text portion of 2 pages and the following attachments:

- ☒ 7 cited reference(s), totaling 105 pages. ☐

Examination Dept. _____

Examiner: _____

Wang, Limin

Seal of the Examination Department